

IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI

ANTOINE B. SHARP,

Plaintiff,

vs.

CVS HEALTH SOLUTIONS, LLC,

Defendant.

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Case No.: \_\_\_\_\_

**NOTICE OF REMOVAL**

Defendant Missouri CVS Pharmacy, L.L.C. d/b/a CVS Pharmacy, (“CVS” or “Defendant”), improperly identified as “CVS Health Solutions, LLC” in Plaintiff’s Amended Complaint, hereby removes the above-captioned action, which is currently pending in the Twenty-First Judicial Circuit Court of St. Louis County Missouri, to the United States District Court for the Eastern District of Missouri. This removal is based upon diversity jurisdiction pursuant to 28 U.S.C. §§ 1332, 1441 and 1446. In support of its Notice of Removal, CVS states the following:

**The State Court Action**

1. On or about November 30, 2021, *pro se* Plaintiff Antoine B. Sharp (“Plaintiff”) filed a lawsuit in the Twenty-First Judicial Circuit Court of St. Louis County, Missouri, entitled *Antoine B. Sharp v. CVS*, Case No. 21SL-CC05713 (“Original Complaint”). On December 8, 2021, Plaintiff filed an Amended Complaint purportedly changing the name and address of Defendant to “CVS Health Solutions, LLC.” Plaintiff’s Amended Complaint was served upon CVS on December 10, 2021. (See Summons, Original and Amended Complaint, State Court File, attached as **Exhibit A**).

2. Plaintiff’s lawsuit alleges CVS knew or should have known Plaintiff was experiencing race and color discrimination and harassment in his employment and violated the

Missouri Human Rights Act, Mo. Rev. Stat. § 213.010 (“MHRA”) by failing to take any remedial action and end the discrimination and harassment. (**Exhibit A**, Original Complaint, ¶¶ 6-7).

3. Although Plaintiff’s Original and Amended Complaints incorrectly identify his employer as “CVS” or “CVS Health Solutions, LLC,” Plaintiff’s proper employer is Missouri CVS Pharmacy L.L.C. d/b/a CVS Pharmacy.

### **Venue**

4. The United States Supreme Court has held, under 28 U.S.C. 1446(a), a defendant seeking to remove a case to federal court need only file “a notice of removal ‘containing a short and plain statement of the grounds for removal.’” *Owens v. Dart Cherokee Basin Operating Co., LLC*, 135 S. Ct. 547, 551 (2014). This language “tracks the general pleading requirement stated in Rule 8(a) of the Federal Rules of Civil Procedure” and “[a] statement ‘short and plain’ need not contain evidentiary submissions.” *Id.* at 553.

5. This action was filed in the Twenty-First Judicial Circuit Court of St. Louis County, Missouri which lies within the United States District Court for the Eastern District of Missouri and thus, this Court is the proper venue for removal pursuant to 28 U.S.C. § 1441 and 28 U.S.C. § 1446(a).

### **Diversity of Citizenship Jurisdiction**

6. This Court has original jurisdiction over this action pursuant to 28 U.S.C. § 1332 because it is a civil action between citizens of different states and the amount in controversy exceeds \$75,000, exclusive of interests and costs.

7. For diversity jurisdiction, there must be complete diversity between the parties, which means no plaintiff may be a citizen of the same state as any defendant. 28 U.S.C.

1332(a)(1); *Lincoln Prop. Co. v. Roche*, 546 U.S. 81, 89 (2005); *Junk v. Terminix Int’l Co.*, 628 F.3d 439, 445 (8th Cir. 2010).

8. For diversity purposes, “the terms ‘domicile’ and ‘citizenship’ are synonymous” and mean the State where an individual is physically present and intends to make his or her home indefinitely. *Yeldell v. Tutt*, 913 F.2d 533, 537 (8th Cir. 1990). “The place where a [person] lives is properly taken to be [the] domicile until facts adduced establish the contrary.” *Dist. of Columbia v. Murphy*, 314 U.S. 441, 455 (1941).

9. Plaintiff admits he is a resident of the State of Missouri. (**Exhibit A**, Original Complaint, ¶ 1). Therefore, Plaintiff is a citizen of Missouri.

10. A limited liability company is deemed to be a citizen of the states in which its members are citizens. *OnePoint Solutions, LLC v. Borchert*, 486 F.3d 342, 346 (8th Cir. 2007). Missouri CVS Pharmacy, L.L.C.’s sole member is CVS Pharmacy, Inc.

11. A corporation is deemed to be a citizen of the state in which it has been incorporated and the state containing its principal place of business. 28 U.S.C. 1332(c)(1).

12. Plaintiff admits Defendant is a foreign corporation doing business in Missouri. (**Exhibit A**, Original Complaint, ¶ 2)

13. CVS Pharmacy, Inc. is incorporated under the laws of the state of Rhode Island and its principal place of business is in Woonsocket, Rhode Island.

14. CVS Pharmacy, Inc.’s headquarters, including its principal executive and administrative offices, are located in Woonsocket, Rhode Island and have been since before the filing of this lawsuit on November 30, 2021. The majority of CVS Pharmacy, Inc.’s corporate officers and senior executives whom direct, control, and coordinate its operations are also located at its corporate headquarters in Woonsocket, Rhode Island. As a result, nearly all of CVS

Pharmacy, Inc.’s corporate decisions are made in Rhode Island, including operational, executive, administrative, and policymaking decisions. Thus, Missouri CVS Pharmacy, L.L.C. is a citizen of Rhode Island.

15. As both parties are citizens of different states, pursuant to 28 U.S.C. § 1332(a)(1), complete diversity exists at the time of filing this Notice of Removal.

16. Diversity jurisdiction pursuant to 28 U.S.C. § 1332(a) also requires the amount in controversy, exclusive of interest and costs, to be in excess of \$75,000.

17. The burden is on the removing party to prove by a preponderance of the evidence that the amount in controversy exceeds \$75,000. *In re Minnesota Mut. Life Ins. Co. Sales Practices Litig.*, 346 F.3d 830, 834 (8th Cir. 2003).

18. Where removal is based on diversity of citizenship, “the notice of removal may assert the amount in controversy,” and a removing defendant need only establish it is more likely than not that the amount in controversy exceeds the jurisdictional minimum of \$75,000. 28 U.S.C. § 1446(a); *see also Dart Cherokee Basin Operating Co., LLC v. Owens*, 135 S. Ct. 547, 554 (2014) (“[A]s specified in § 1446(a), a defendant’s notice of removal need include only a plausible allegation that the amount in controversy exceeds the jurisdictional threshold”).

19. Despite Plaintiff’s assertion the amount in controversy does not exceed \$60,000, the amount in controversy requirement is easily satisfied by Plaintiff’s own allegations. Plaintiff is seeking damages in the form of lost wages and benefits, “garden variety” mental anguish, punitive damages, and attorneys’ fees. (**Exhibit A**, Original Complaint, ¶¶ 8-10).

20. Lost wages are recoverable under the MHRA, which Plaintiff seeks. *See* MO. REV. STAT. § 213.111; *see also Exhibit A*, Original Complaint, ¶ 8. At the time Plaintiff filed his lawsuit, Plaintiff was earning \$13.00 per hour. (**Exhibit B**, Declaration of B. Carbajal, ¶ 7). The

earliest this case is likely to proceed to trial is July 2023 if assigned to Track 2. Plaintiff's alleged lost wages through trial would be approximately \$37,440.00 (\$13.00/hr. x. 40 hrs. x 72 weeks).

21. In addition to compensatory damages, Plaintiff also seeks emotional distress damages, which are available under the MHRA. Emotional distress awards for MHRA violations can be significant and should be considered when determining the amount in controversy. *Kopp v. Kopp*, 280 F.3d 883, 885-85 (8th Cir. 2002); see also *Diaz v. Autozoners, LLC*, 484 S.W.3d 64, 87 (Mo. Ct. App. E.D. 2015) (affirming emotional damages award under the MHRA for \$75,000); *Waller v. Blast Fitness Group, LLC*, 2017 WL 6731721 \*2 (E.D. Mo. December 29, 2017) (awarding an additional \$45,000 in emotional damages for violation of MHRA).

22. Furthermore, Plaintiff seeks punitive damages, which are available under the MHRA and also may be considered in determining the amount in controversy. Satisfying the amount in controversy requirement is even more likely when taking into account punitive damages. *Crawford v. F. Hoffman-La Roche Ltd.*, 267 F.3d 760 (8th Cir. 2001) ("Punitive damages, of course, may be used to establish diversity jurisdiction"); see also *H.S. v. Board of Regents, Southeast Missouri State University*, 967 S.W.2d 665, 673 (Mo. App. E.D. 1998) (affirming jury award of punitive damages in the amount of \$100,000); *Wilkins v. Board of Regents of Harris-Stowe State University*, 519 S.W.3d 526 (Mo. Ct. App. E.D. 2017) (affirming award of punitive damages totaling \$3,500,000).

23. Plaintiff also seeks recovery for attorneys' fees. While currently *pro se*, if Plaintiff seeks legal representation during his lawsuit and prevails on his claims, he will be entitled to reasonable attorneys' fees as provided for by the MHRA. Statutory attorneys' fees count toward the jurisdictional minimum for diversity jurisdiction. *Crawford v. F. Hoffman La Roche*, 267 F.3d 760, 766 (8th Cir. 2001). Missouri courts routinely award attorneys' fees significantly in excess

of \$75,000 – on their own. *See, e.g., Trickey v. Kaman Inds. Tech. Corp.*, 705 F.3d 788, 798 (8th Cir. 2013) (affirming the district court’s attorneys’ fees award of \$201,375.50).

24. Based on the foregoing alone, the amount in controversy requirement for diversity jurisdiction is satisfied.

25. However, Plaintiff seeks the additional, unconventional damages below:

- (a) the demolition of Old Jamestown Mall “to ensure success of the land being donated to the Corporation for redevelopment as an Education & Entertainment Smart Sustainable Hub;
- (b) “Fund costs of Architects/Architecture Drawings to outline the Redevelopment of the site;”
- (c) “Purchase/Donate/Sponsor Racing Car Simulators & Official Car to be wrapped in CVS name to be driven by Competition Winner @ Worldwide Raceway;”
- (d) “Purchase the Bingham Court Apartments,<sup>1</sup> 3537 Bingham Avenue, St. Louis, MO to be donated to the Corporation, to provide Students and Families with affordable housing . . .;”
- (e) “Negotiate naming rights for arenas and dorms;” and
- (f) “Cover Costs for Long-term care for my mom, whom suffered a stroke due to my depression, anxiety and mental anguish.” (**Exhibit A**, Original Complaint, ¶ 8).

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<sup>1</sup> Although the value of Bingham Court Apartments could not be ascertained, neighboring homes in the area exceed \$100,000 in value accordingly to a Zillow estimate.

26. Plaintiff's assertion his damages do not exceed \$60,000 is belied not only by his request for traditional damages, but also his request for unconventional damages, whose value easily exceeds the statutory requirement.<sup>2</sup> Accordingly, the amount in controversy threshold is met.

### **Compliance with Procedural Requirements**

27. A Civil Cover Sheet and Disclosure of Corporate Interests for Defendant is filed with this Notice.

28. Pursuant to 28 U.S.C. § 1446(d), Defendant is filing today a Notice to the Circuit Clerk with the Clerk of the Twenty-First Judicial Circuit Court of Missouri.

29. Pursuant to 28 U.S.C. § 1446(d), Defendant is mailing today a Notice to Plaintiff, stating a Notice of Removal to the United States District Court for the Eastern District of Missouri was filed, and serving a copy of this Notice of Removal upon Plaintiff.

WHEREFORE, Defendant respectfully requests this action, now pending in the Twenty-First Judicial Circuit Court, St. Louis County, Missouri, be removed to the United States District Court for Eastern District of Missouri.

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<sup>2</sup> Plaintiff's request for the demolition of the Jamestown mall alone is estimated to exceed over \$10 million. *See* [https://www.stltoday.com/business/local/reimagine-st-louis-county-to-spend-millions-to-demolish-jamestown-mall-vows-to-attract-new/article\\_3950d4df-071d-592d-b693-211b3bbd56d9.html](https://www.stltoday.com/business/local/reimagine-st-louis-county-to-spend-millions-to-demolish-jamestown-mall-vows-to-attract-new/article_3950d4df-071d-592d-b693-211b3bbd56d9.html)

Respectfully submitted,

/s/ Joseph M. Wientge, Jr.

Joseph M. Wientge, Jr. #57494MO

jwientge@littler.com

Benjamin R. Marble #69207MO

bmarble@littler.com

LITTLER MENDELSON, P.C.

600 Washington Avenue

Suite 900

St. Louis, MO 63101

Telephone: 314.659.2000

Facsimile: 314.558.3966

Attorneys for Defendant

**CERTIFICATE OF SERVICE**

I hereby certify that on the 7th day of January 2022, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system and sent a copy via U.S. Mail to the following:

Antoine B. Sharp  
3148 Michigan Ave  
St. Louis, MO 63118

*Pro se Plaintiff*

/s/ Joseph M. Wientge, Jr.



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21SL-CC05713 - ANTOINE B SHARP V CVS HEALTH SOLUTIONS LLC (E-CASE)

<a href="#">Case File</a>	<a href="#">Parties &amp; Attorneys</a>	<a href="#">Docket Entries</a>	<a href="#">Charges, Judgments &amp; Sentences</a>	<a href="#">Service Information</a>	<a href="#">Filings Due</a>	<a href="#">Scheduled Hearings &amp; Trials</a>	<a href="#">Civil Judgments</a>	<a href="#">Garnishments/Execution</a>
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 SERVICE PAPERS MAILED TO PLTP ALONG WITH INSTRUCTIONS FOR OBTAINING SERVICE BY SPS.
- ☐
[Summons Issued-Circuit](#)  
 Document ID: 21-SMCC-11039, for CVS HEALTH SOLUTIONS LLC.
- ☐
[Motion Special Process Server](#)
- ☐
[Filing:](#)  
 SERVICE INSTRUCTIONS FILED.
- ☐
[Amended Motion/Petition Filed](#)
- 12/01/2021
 ☐
[Filing:](#)  
 SERVICE INSTRUCTIONS FILED.
- ☐
[Confid Filing Info Sheet Filed](#)
- ☐
[Pet Filed in Circuit Ct](#)
- ☐
[Judge Assigned](#)  
 DIV 6

EXHIBIT A

IN THE CIRCUIT COURT OF ST. LOUIS COUNTY  
21<sup>ST</sup> JUDICIAL CIRCUIT  
STATE OF MISSOURI

**RECEIVED**

NOV 30 2021

JOAN M. GILMER  
CIRCUIT CLERK, ST. LOUIS COUNTY

**ANTOINE B. SHARP,**

Plaintiff,

Cause No.

21SLCC05713

v.

Division No.

26

**CVS**

Defendant

**JURY TRIAL DEMANDED**

Serve: Registered Agent  
Kimberly Lawrence  
VP & Sr. Legal Counsel  
1 CVS Drive  
Woonsocket, RI 02895

**PETITION**

COMES NOW Plaintiff, Antoine B. Sharp, by and through counsel, and for his claim against Defendant, CVS states as follows:

1. Plaintiff is a resident of St. Louis, Missouri.
2. Defendant is a foreign corporation doing business in Missouri and the claim arose in St. Louis City, Missouri.
3. Venue is proper pursuant to R.S.Mo. § 508.010.4.
4. Defendant is an employer within the meaning of the Missouri Human Rights Act, R.S.Mo. § 213.010(7) in that Defendant employs six (6) or more persons in the State of Missouri.
5. This case arises under the Missouri Human Rights Act, R.S.Mo. § 213.010 et seq., (MHRA), and Plaintiff has dutifully filed his Charge of Race discrimination with the Missouri Commission on Human Rights (MCHR) and the Equal Employment Opportunity

Commission (EEOC) Charge Number 560-2021-00744 and received “right to sue letter” from the EEOC thereby exhausting his administrative remedies.

6. Defendant knew or should have known that Plaintiff was experiencing race and color discrimination and harassment which impeded his ability to perform his job required duties.
7. That Defendant intentionally engaged in an unlawful employment practice in violation of the MHRA by failing to end the race and color discrimination and harassment Plaintiff was subjected to.
8. As a direct and proximate result of Defendant’s failure to end the race and color discrimination, Plaintiff has suffered lost wages and benefits, and “garden variety” mental anguish, all to Plaintiff’s damages not in excess of \$60,000.00, In addition, become Sponsor for Corporation that will exhibit Diversity & Inclusion through, Education & Entertainment in the Esports, Drone, VR, STEM & Non-Traditional Education, for Black, Brown & Low-income Whites, to become prepared for the future and help fill the Wealth Gap.
  1. Collaborate w/ St. Louis Councilwoman (Shalonda Webb), for the demolition of the Old Jamestown Mall, 175 Jamestown Mall, St. Louis, County, MO, 63034, to ensure success of the land being donated to the Corporation for redevelopment as an Education & Entertainment Smart Sustainable Hub, in Development Partnership w/ The Sifi Network & Worldwide Technology, as the North County Campus.
  2. Fund cost of Architects/Architecture Drawings to outline the Redevelopment of the site.

3. Purchase/Donate/Sponsor Racing Car Simulators & Official Car to be wrapped in CVS Name to be driven by Competition Winner @ Worldwide Raceway, from D3Esports.
4. Purchase the Bingham Court Apartments, 3537 Bingham Avenue, St. Louis, MO, 63111, to be donated to the Corporation, to provide Students & Families w/Affordable Housing and convenience to the adjacent South City Campus @ The Old Cleveland High School, 4352 Louisiana Avenue, St. Louis, MO, 63111, in which negotiations are ongoing for the donation of the building.
5. Fund cost of Architects/Architecture Drawings to outline the Redevelopment of the Apartment Complex & School.
6. Negotiate Naming Rights for Arenas & Dorms.
7. Cover Cost for Long-Term Care for my Mom, whom suffered a stroke due to my depression, anxiety and mental anguish.
9. That Defendant's conduct as described herein was intentional, willful, wanton, malicious and/or outrageous because of their evil motive and/or reckless indifference to the rights of Plaintiff under the MHRA, entitling Plaintiff to punitive damages.
10. As a result of Defendant's unlawful employment practices, Plaintiff has incurred and will continue to incur reasonable attorney's fees and costs in connection with this matter.

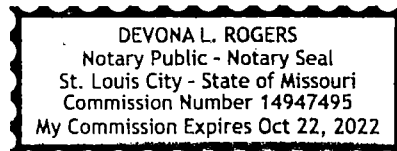
**WHEREFORE**, Plaintiff respectfully prays that this Court, after a trial by jury, find that Defendant engaged in an unlawful employment practice under the laws of the State of Missouri and grant Plaintiff judgment against Defendant not in excess of \$60,000.00; order Defendant to pay all costs of this suit including reasonable attorney fees; and grant any further relief this Court deems just and proper.

Respectfully submitted,

By



Antoine B. Sharp  
3148 Michigan Avenue  
St. Louis, MO 63118  
(314) 703-1283  
Iamantoinesharp1st@gmail.com



*Devona L. Rogers*  
Devona L. Rogers  
11/30/21



**IN THE 21ST JUDICIAL CIRCUIT**  
BUILDING, CLAYTON, MO 63105

**ST LOUIS COUNTY COURT**

Payor: ANTOINE B SHARP  
3148 MICHIGAN AVENUE  
SAINT LOUIS, MO 63118

Receipt Date: 01-Dec-2021  
Receipt Number: 21SL4970524  
Date Printed: 01-Dec-2021  
Time Printed: 02:44 PM

**\*\*RECEIPT\*\***

**Case Number: 21SL-CC05713 - ANTOINE B SHARP V CVS**

Case Balance Due prior to receipt:	\$105.50
Pet Filed in Circuit Ct	Law Library:
Pet Filed in Circuit Ct	Dom Viol-Circuit Civil:
Pet Filed in Circuit Ct	Circuit Civil Costs w/o SRF:
	Remaining Case Balance Due:
	\$0.00

Payment Types Applied to Case(s)	Amount
Check 1002:	-\$105.50

Total Payment(s):	\$105.50
Remaining Balance Due for Cases Listed Above:	\$0.00

**Note:** Information shown on receipt is current as of date printed.

**Case Information for Case(s) Listed Above:**

**Case Number: 21SL-CC05713 - ANTOINE B SHARP V CVS**

**Party:** SHARP ANTOINE B

**Party:** CVS

IN THE  
**CIRCUIT COURT**  
OF SAINT LOUIS COUNTY, MISSOURI



For File Stamp Only

Antoine B Sharp  
Plaintiff(s)

vs.

CVS  
Defendant(s)

11/30/2021

Date

21SL-CC05713

Case Number

6  
Division

**RECEIVED**

NOV 30 2021

JOAN M. GILMER  
CIRCUIT CLERK, ST. LOUIS COUNTY

SERVICE INSTRUCTIONS

Defendant Name: CVS c/o Kimberly Lawrence

Address: 1 CVS Drive

City, State, & ZIP: Woonsocket, RI 02895

Defendant Name: \_\_\_\_\_

Address: \_\_\_\_\_

City, State, & ZIP: \_\_\_\_\_

Defendant Name: \_\_\_\_\_

Address: \_\_\_\_\_

City, State, & ZIP: \_\_\_\_\_

Antoine Sharp

Plaintiff(s)/Attorney

Bar No.

3148 Michigan Ave

Address

St. Louis, MO 63118

(314) 783-1283

Phone Number

IN THE  
**CIRCUIT COURT**  
OF SAINT LOUIS COUNTY, MISSOURI



For File Stamp Only

**FILED**

DEC 08 2021

JOAN M. GILMER  
CIRCUIT CLERK, ST. LOUIS COUNTY

ANTOINE B. SHARP  
Plaintiff(s)

Date

Case Number

CVS Health Solutions, LLC  
Defendant(s)

Division

Amendment Petition for CVS

I ANTOINE B. SHARP, would like to  
make an amendment to my petition,  
to reflect the new change in address  
for the defendant's, to be served  
by the processor, to

CVS Health Solutions, LLC  
d/b/a CVS c/o CT Corporation  
120 S. Central  
Clayton, MO 63105



DONNA JEAN BOEGER  
My Commission Expires  
February 4, 2024  
St. Louis City  
Commission #11276017

Subscribed and sworn to before me this 8<sup>TH</sup>  
day of DECEMBER, 2021.

Donna Jean Boeger  
Notary Public

ANTOINE B. SHARP

Plaintiff(s)/Attorney

Bar No.

3148 Michigan Ave  
Address

St. Louis, MO 63118

(314) 703-1283

Phone Number

SO ORDERED

Judge

FOIPA b7(D)

Q37. 04

20220304 20220304 20220304 20220304

CONFIDENTIAL  
FOIA b7(D)

CONFIDENTIAL  
FOIA b7(D)

In the  
**CIRCUIT COURT**  
 Of St. Louis County, Missouri



For File Stamp Only

ANTOINE B. SHARP  
 Plaintiff/Petitioner

12/08/2021  
 Date  
21SL-CC05713  
 Case Number  
6  
 Division

**FILED**

DEC 08 2021

JOAN M. GILMER  
 CIRCUIT CLERK, ST. LOUIS COUNTY

vs.  
CVS  
 Defendant/Respondent

**REQUEST FOR APPOINTMENT OF PROCESS SERVER**

Comes now ANTOINE B. SHARP, pursuant  
 Requesting Party

to Local Rule 28, and at his/her/its own risk requests the appointment of the Circuit Clerk of

ANTOINETTE KOVAR 2820 Lafayette Ave 63104 (314) 223-7391  
 Name of Process Server Address Telephone

AUGUSTUS COTTEN, JR 2820 Lafayette Ave 63104 (314) 664-3644  
 Name of Process Server Address or in the Alternative Telephone

Name of Process Server Address or in the Alternative Telephone

Natural person(s) of lawful age to serve the summons and petition in this cause on the below named parties. This appointment as special process server does not include the authorization to carry a concealed weapon in the performance thereof.

## SERVE:

CUSCOCT CORPORATION  
120 S. Central  
Clayton, MO 63105  
 Name Address City/State/Zip

## SERVE:

Name  
 Address  
 City/State/Zip

Appointed as requested:

JOAN M. GILMER, Circuit Clerk

By [Signature]  
 Deputy Clerk

12/8/2021  
 Date

## SERVE:

SYSTEMS REGISTERED AGENT  
[Signature]  
 Name Address City/State/Zip

## SERVE:

Name  
 Address  
 City/State/Zip

ANTOINE B. SHARP  
 Attorney/Plaintiff/Petitioner

3148 Michigan Ave St. Louis, MO  
(314) 783-1283  
 Bar No. Address Phone No. Fax No.

**Local Rule 28. SPECIAL PROCESS SERVERS**

(1) Any judge may appoint a Special Process Server in writing in accordance with the law and at the risk and expense of the requesting party.

This appointment as Special Process Server does not include the authorization to carry a concealed weapon in the performance thereof.

(2) The Circuit Clerk may appoint a natural person other than the Sheriff to serve process in any cause in accordance with this subsection;

(A) Appointments may list more than one server as alternates.

(B) The appointment of a person other than the Sheriff to serve process shall be made at the risk and expense of the requesting party.

(C) Any person of lawful age, other than the Sheriff, appointed to serve process shall be a natural person and not a corporation or other business association.

(D) No person, other than the Sheriff, shall be appointed to serve any order, writ or other process which requires any levy, seizure, sequestration, garnishment, or other taking.

(E) Requests for appointment of a person other than the Sheriff to serve process shall be made on a "Request for Appointment of Process Server" form which may be obtained from the Office of the Circuit Clerk.

(F) This appointment as Special Process Server does not include the authorization to carry a concealed weapon in the performance thereof.

IN THE  
**CIRCUIT COURT**  
OF SAINT LOUIS COUNTY, MISSOURI



For File Stamp Only

**FILED**

DEC 08 2021

JOAN M. GILMER  
CIRCUIT CLERK, ST. LOUIS COUNTY

Antoine B. Sharp  
Plaintiff(s)

Date

2186005713

Case Number

vs.

CVS  
Defendant(s)

6  
Division

SERVICE INSTRUCTIONS

Defendant Name: CVS Health Solutions, LLC  
Address: d/b/a CVS c/o CT Corporation  
City, State, & ZIP: 120 S. Central, Clayton MO 63105

Defendant Name: \_\_\_\_\_

Address: \_\_\_\_\_

City, State, & ZIP: \_\_\_\_\_

Defendant Name: \_\_\_\_\_

Address: \_\_\_\_\_

City, State, & ZIP: \_\_\_\_\_

Antoine B. Sharp

Plaintiff(s)/Attorney

Bar No.

3148 Michigan Ave

Address

St. Louis, MO 63118

(314) 703-1283

Phone Number

RECEIVED

OFFICE OF THE

JOAN M. GILMER  
COUNTY CLERK

County of San Diego, California

County of San Diego, California

1/7/22

County of San Diego, California



## IN THE 21ST JUDICIAL CIRCUIT COURT, ST. LOUIS COUNTY, MISSOURI

Judge or Division: JOHN N. BORBONUS III	Case Number: 21SL-CC05713	(Date File Stamp)
Plaintiff/Petitioner: ANTOINE B SHARP	Plaintiff's/Petitioner's Attorney/Address ANTOINE B SHARP 3148 MICHIGAN AVENUE SAINT LOUIS, MO 63118	
Defendant/Respondent: CVS HEALTH SOLUTIONS LLC DBA: CVS	Court Address: ST LOUIS COUNTY COURT BUILDING 105 SOUTH CENTRAL AVENUE CLAYTON, MO 63105	
Nature of Suit: CC Employmnt Discrmntn 213.111		

## Summons in Civil Case

The State of Missouri to: CVS HEALTH SOLUTIONS LLC

Alias:

DBA: CVS

C/O R/A CT CORPORATION  
120 S CENTRAL  
CLAYTON, MO 63105

COURT SEAL OF



ST. LOUIS COUNTY

You are summoned to appear before this court and to file your pleading to the petition, a copy of which is attached, and to serve a copy of your pleading upon the attorney for Plaintiff/Petitioner at the above address all within 30 days after receiving this summons, exclusive of the day of service. If you fail to file your pleading, judgment by default may be taken against you for the relief demanded in the petition.

**SPECIAL NEEDS:** If you have special needs addressed by the Americans With Disabilities Act, please notify the Office of the Circuit Clerk at 314-615-8029, FAX 314-615-8739, email at SLCADA@courts.mo.gov, or through Relay Missouri by dialing 711 or 800-735-2966, at least three business days in advance of the court proceeding.

08-DEC-2021

Date

Further Information:  
CG

  
Clerk

## Sheriff's or Server's Return

**Note to serving officer:** Summons should be returned to the court within thirty days after the date of issue.

I certify that I have served the above summons by: (check one)

- ☐ delivering a copy of the summons and a copy of the petition to the Defendant/Respondent.
- ☐ leaving a copy of the summons and a copy of the petition at the dwelling place or usual abode of the Defendant/Respondent with \_\_\_\_\_ a person at least 18 years of age residing therein.

☐ (for service on a corporation) delivering a copy of the summons and a copy of the petition to \_\_\_\_\_ (name) \_\_\_\_\_ (title).

☐ other \_\_\_\_\_.

Served at \_\_\_\_\_ (address)

in \_\_\_\_\_ (County/City of St. Louis), MO, on \_\_\_\_\_ (date) at \_\_\_\_\_ (time).

\_\_\_\_\_  
Printed Name of Sheriff or Server\_\_\_\_\_  
Signature of Sheriff or Server**Must be sworn before a notary public if not served by an authorized officer:**

(Seal)

Subscribed and sworn to before me on \_\_\_\_\_ (date).

My commission expires: \_\_\_\_\_

Date

\_\_\_\_\_  
Notary Public

**Sheriff's Fees, if applicable**

Summons \$ \_\_\_\_\_

Non Est \$ \_\_\_\_\_

Sheriff's Deputy Salary

Supplemental Surcharge \$ 10.00 \_\_\_\_\_

Mileage \$ \_\_\_\_\_ ( \_\_\_\_\_ miles @ \$. \_\_\_\_\_ per mile)

**Total** \$ \_\_\_\_\_

A copy of the summons and a copy of the petition must be served on **each** Defendant/Respondent. For methods of service on all classes of suits, see Supreme Court Rule 54.

Twenty First Judicial Circuit

**NOTICE OF ALTERNATIVE DISPUTE RESOLUTION SERVICES**

**Purpose of Notice**

As a party to a lawsuit in this court, you have the right to have a judge or jury decide your case. However, most lawsuits are settled by the parties before a trial takes place. This is often true even when the parties initially believe that settlement is not possible. A settlement reduces the expense and inconvenience of litigation. It also eliminates any uncertainty about the results of a trial.

Alternative dispute resolution services and procedures are available that may help the parties settle their lawsuit faster and at less cost. Often such services are most effective in reducing costs if used early in the course of a lawsuit. Your attorney can aid you in deciding whether and when such services would be helpful in your case.

**Your Rights and Obligations in Court Are Not Affected By This Notice**

You may decide to use an alternative dispute resolution procedure if the other parties to your case agree to do so. In some circumstances, a judge of this court may refer your case to an alternative dispute resolution procedure described below. These procedures are not a substitute for the services of a lawyer and consultation with a lawyer is recommended. Because you are a party to a lawsuit, you have obligations and deadlines which must be followed whether you use an alternative dispute resolution procedure or not. **IF YOU HAVE BEEN SERVED WITH A PETITION, YOU MUST FILE A RESPONSE ON TIME TO AVOID THE RISK OF DEFAULT JUDGMENT, WHETHER OR NOT YOU CHOOSE TO PURSUE AN ALTERNATIVE DISPUTE RESOLUTION PROCEDURE.**

**Alternative Dispute Resolution Procedures**

There are several procedures designed to help parties settle lawsuits. Most of these procedures involve the services of a neutral third party, often referred to as the “neutral,” who is trained in dispute resolution and is not partial to any party. The services are provided by individuals and organizations who may charge a fee for this help. Some of the recognized alternative dispute resolutions procedures are:

**(1) Advisory Arbitration:** A procedure in which a neutral person or persons (typically one person or a panel of three persons) hears both sides and decides the case. The arbitrator’s decision is not binding and simply serves to guide the parties in trying to settle their lawsuit. An arbitration is typically less formal than a trial, is usually shorter, and may be conducted in a private setting at a time mutually agreeable to the parties. The parties, by agreement, may select the arbitrator(s) and determine the rules under which the arbitration will be conducted.

**(2) Mediation:** A process in which a neutral third party facilitates communication between the parties to promote settlement. An effective mediator may offer solutions that have not been considered by the parties or their lawyers. A mediator may not impose his or her own judgment on the issues for that of the parties.

CCADM73

**(3) Early Neutral Evaluation (“ENE”):** A process designed to bring the parties to the litigation and their counsel together in the early pretrial period to present case summaries before and receive a non-binding assessment from an experienced neutral evaluator. The objective is to promote early and meaningful communication concerning disputes, enabling parties to plan their cases effectively and assess realistically the relative strengths and weaknesses of their positions. While this confidential environment provides an opportunity to negotiate a resolution, immediate settlement is not the primary purpose of this process.

**(4) Mini-Trial:** A process in which each party and their counsel present their case before a selected representative for each party and a neutral third party, to define the issues and develop a basis for realistic settlement negotiations. The neutral third party may issue an advisory opinion regarding the merits of the case. The advisory opinion is not binding.

**(5) Summary Jury Trial:** A summary jury trial is a non binding, informal settlement process in which jurors hear abbreviated case presentations. A judge or neutral presides over the hearing, but there are no witnesses and the rules of evidence are relaxed. After the “trial”, the jurors retire to deliberate and then deliver an advisory verdict. The verdict then becomes the starting point for settlement negotiations among the parties.

### **Selecting an Alternative Dispute Resolution Procedure and a Neutral**

If the parties agree to use an alternative dispute resolution procedure, they must decide what type of procedure to use and the identity of the neutral. As a public service, the St. Louis County Circuit Clerk maintains a list of persons who are available to serve as neutrals. The list contains the names of individuals who have met qualifications established by the Missouri Supreme Court and have asked to be on the list. The Circuit Clerk also has Neutral Qualifications Forms on file. These forms have been submitted by the neutrals on the list and provide information on their background and expertise. They also indicate the types of alternative dispute resolution services each neutral provides.

A copy of the list may be obtained by request in person and in writing to: Circuit Clerk, Office of Dispute Resolution Services, 105 South Central Ave., 5th Floor, Clayton, Missouri 63105. The Neutral Qualifications Forms will also be made available for inspection upon request to the Circuit Clerk.

The List and Neutral Qualification Forms are provided only as a convenience to the parties in selecting a neutral. The court cannot advise you on legal matters and can only provide you with the List and Forms. You should ask your lawyer for further information.

CCADM73

## **County Satellite Court Now Open in St. Ann**

**Hours: Mon-Fri 8:30 a.m. to 5:00 p.m. FREE PARKING**

For the convenience of North County residents, a satellite branch of the St. Louis County Circuit Court is now open at the St. Louis County Government Center Northwest at the 715 Northwest Plaza Drive in St. Ann.

### **Attending Court Hearings Remotely using E-Courts**

If you are scheduled to appear in court, you can access the courtroom remotely using the public computer stations (E-courts) in St. Ann and Clayton. These are available for use when courtroom access is restricted due to the pandemic.

**Please note:** Hearings for juvenile and paternity cases are confidential, and can only be accessed from the Clayton E-court at this time.

**Be sure to bring your paperwork with you; you will need your case number, as well as the date, time and number of the Division where you are scheduled to appear.**

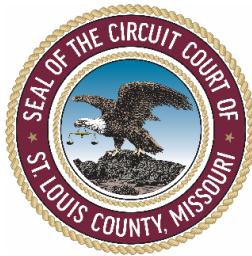
### **Filing Pleadings/New Petitions**

If you are representing yourself, you may file your paperwork at the St. Ann satellite court, in addition to the Clayton courthouse, using the secure drop box located inside the Court reception area.

### **Filing Orders of Protection**

Starting March 1, you may file for an Order of Protection at the Adult Abuse office in the St. Ann satellite court, in addition to the Clayton courthouse. Clerks will be available on-site to help you fill out and file the necessary paperwork.

**For more information call: 314-615-8029**



**STLCO CIRCUIT CLERK'S OFFICE**

P.O. BOX 16994  
 Clayton, Missouri 63105  
 (314) 615-8032

**NOTICE OF RETURN ITEMS(S)**

Case ID: 21SL-CC05713

Dec 16, 2021

**FILED**

DEC 16 2021

TO: ANTOINE B SHARP,  
 3148 MICHIGAN AVENUE  
 SAINT LOUIS MO 63118

JOAN M. GILMER  
 CIRCUIT CLERK, ST. LOUIS COUNTY

Date	Dec 16, 2021 2:09:27 PM	Description	Amount
		COURT COST DUE	\$105.50
		BAD CHECK FEE	\$25.00
		Total Amount Due	\$130.50
		RETURN CHECK FEE	

Your check made payable to the St. Louis County Circuit Clerk in the amount of \$105.50 has been returned to our office. The bank will not allow us to redeposit the check.

Would you please send the amount of the check, plus the fee for our service charge for returned checks, to our office at the above address.

If you have any questions, you can contact our office at the above telephone number.

Sincerely,

Circuit Clerk Accounting Department

Thank You

**IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI**

**ANTOINE B. SHARP,**

Plaintiff,

vs.

**CVS HEALTH SOLUTIONS, LLC,**

Defendant.

)  
)  
)  
)  
)  
)  
)  
)  
)  
)  
)

Case No.: \_\_\_\_\_

**DECLARATION OF BENJAMIN CARBAJAL IN SUPPORT OF  
DEFENDANT'S NOTICE REMOVAL**

Pursuant to 28 U.S.C. § 1746, Benjamin Carbajal declares as follows:

1. I am currently a Senior Advice and Counsel Manager for CVS Pharmacy, Inc. I am submitting this declaration in support of Defendant's Notice of Removal. I have personal knowledge of the facts set forth below, or knowledge based upon review of corporate records maintained in the regular course of the company's business. I am over the age of eighteen years old and am competent to testify to the facts set forth below.

2. In my capacity as a Senior Advice and Counsel Manager for CVS Pharmacy, Inc., my responsibilities include, in part, conducting investigations on behalf of the Human Resources Department for CVS Pharmacy, Inc. In order to gather information for my investigations, I have access to CVS Pharmacy, Inc.'s People Soft software program.

3. People Soft is a software program containing payroll information.

4. I used People Soft to review the hourly compensation of Plaintiff Antoine B. Sharp.

5. As of the date of Plaintiff's filing of his Amended Complaint on December 10, 2021, Plaintiff was earning \$13.00 an hour during his employment with Missouri CVS Pharmacy, L.L.C.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Executed this 7th day of January, 2022.

*B. J. Carbajal*  
BENJAMIN CARBAJAL

## CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

## I. (a) PLAINTIFFS

Antoine B. Sharp

(b) County of Residence of First Listed Plaintiff St. Louis County  
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

CVS Health Solutions, LLC

## DEFENDANTS

CVS Health Solutions, LLC

County of Residence of First Listed Defendant Providence County,  
(IN U.S. PLAINTIFF CASES ONLY)NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF  
THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

Joseph M. Wientge, Jr.

Benjamin R. Marble

Little Mendelson, P.C.

## II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff ☐ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant ☒ 4 Diversity (Indicate Citizenship of Parties in Item III)

## III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- |   | PTF                                   | DEF                                   |   | PTF                        | DEF                        |
|---|---------------------------------------|---------------------------------------|---|----------------------------|----------------------------|
| Citizen of This State                   | <input checked="" type="checkbox"/> 1 | <input type="checkbox"/> 1            | Incorporated or Principal Place of Business In This State     | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State                | <input type="checkbox"/> 2            | <input checked="" type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3            | <input type="checkbox"/> 3            | Foreign Nation  | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

## IV. NATURE OF SUIT (Place an "X" in One Box Only)

Click here for: [Nature of Suit Code Descriptions.](#)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	<b>PERSONAL INJURY</b> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice <b>PERSONAL INJURY</b> <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <b>PERSONAL PROPERTY</b> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other <b>LABOR</b> <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act <b>IMMIGRATION</b> <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <b>INTELLECTUAL PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark <input type="checkbox"/> 880 Defend Trade Secrets Act of 2016 <b>SOCIAL SECURITY</b> <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) <b>FEDERAL TAX SUITS</b> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit (15 USC 1681 or 1692) <input type="checkbox"/> 485 Telephone Consumer Protection Act <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
<b>REAL PROPERTY</b> <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<b>CIVIL RIGHTS</b> <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input checked="" type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education <b>PRISONER PETITIONS</b> <b>Habeas Corpus:</b> <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <b>Other:</b> <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

## V. ORIGIN (Place an "X" in One Box Only)

- ☐ 1 Original Proceeding ☒ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from Another District (specify) ☐ 6 Multidistrict Litigation - Transfer ☐ 8 Multidistrict Litigation - Direct File

## VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):  
28 U.S.C. 1332, 1441, 1446

Brief description of cause:

Plaintiff alleges race and color discrimination in violation of the Missouri Human Rights Act. The parties are citizens of different states and the amount

## VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$

\$60,000 plus additional

CHECK YES only if demanded in complaint:

JURY DEMAND:

☒ Yes ☐ No

## VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE

1/7/2022

SIGNATURE OF ATTORNEY OF RECORD

Joseph M. Wientge, Jr.

## FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE

# INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44

## Authority For Civil Cover Sheet

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

- I.(a) Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.
  - (b) County of Residence.** For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)
  - (c) Attorneys.** Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".
- II. Jurisdiction.** The basis of jurisdiction is set forth under Rule 8(a), F.R.Cv.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.
- United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here. United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.
- Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.
- Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; **NOTE: federal question actions take precedence over diversity cases.**)
- III. Residence (citizenship) of Principal Parties.** This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.
- IV. Nature of Suit.** Place an "X" in the appropriate box. If there are multiple nature of suit codes associated with the case, pick the nature of suit code that is most applicable. Click here for: [Nature of Suit Code Descriptions](#).
- V. Origin.** Place an "X" in one of the seven boxes.
- Original Proceedings. (1) Cases which originate in the United States district courts.
- Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441.
- Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.
- Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.
- Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.
- Multidistrict Litigation – Transfer. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407.
- Multidistrict Litigation – Direct File. (8) Check this box when a multidistrict case is filed in the same district as the Master MDL docket.
- PLEASE NOTE THAT THERE IS NOT AN ORIGIN CODE 7.** Origin Code 7 was used for historical records and is no longer relevant due to changes in statute.
- VI. Cause of Action.** Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC 553 Brief Description: Unauthorized reception of cable service.
- VII. Requested in Complaint.** Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.
- Demand. In this space enter the actual dollar amount being demanded or indicate other demand, such as a preliminary injunction.
- Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.
- VIII. Related Cases.** This section of the JS 44 is used to reference related pending cases, if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.

**Date and Attorney Signature.** Date and sign the civil cover sheet.

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI

Antoine B. Sharp	)	
	)	
	)	
Plaintiff,	)	
	)	
v.	)	Case No.
CVS Health Solutions,	)	
LLC	)	
	)	
Defendant,	)	
	)	

**ORIGINAL FILING FORM**

**THIS FORM MUST BE COMPLETED AND VERIFIED BY THE FILING PARTY  
WHEN INITIATING A NEW CASE.**

☐ THIS SAME CAUSE, OR A SUBSTANTIALLY EQUIVALENT COMPLAINT, WAS  
PREVIOUSLY FILED IN THIS COURT AS CASE NUMBER \_\_\_\_\_  
AND ASSIGNED TO THE HONORABLE JUDGE \_\_\_\_\_.

☐ THIS CAUSE IS RELATED, BUT IS NOT SUBSTANTIALLY EQUIVALENT TO ANY  
PREVIOUSLY FILED COMPLAINT. THE RELATED CASE NUMBER IS \_\_\_\_\_ AND  
THAT CASE WAS ASSIGNED TO THE HONORABLE \_\_\_\_\_. THIS CASE MAY,  
THEREFORE, BE OPENED AS AN ORIGINAL PROCEEDING.

☒ NEITHER THIS SAME CAUSE, NOR A SUBSTANTIALLY EQUIVALENT  
COMPLAINT, HAS BEEN PREVIOUSLY FILED IN THIS COURT, AND THEREFORE  
MAY BE OPENED AS AN ORIGINAL PROCEEDING.

**The undersigned affirms that the information provided above is true and correct.**

Date: 01/07/2022

Joseph M. Wientge, Jr.  
Signature of Filing Party